

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JULY 3, 2007.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Peggy S. Crane, Deputy Clerk

Staff Absent: Sam McLearen, Zoning Administrator

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Mr. George Bryson, Jefferson District, called the Board's attention to the fact that he had not received a response to his verbal Freedom of Information request or his e-mails to the County Attorney regarding various violations of his rights. He said that he was not opposed to development, but was opposed to the type of growth taking place without approved water and sewer and safe highway designs. He distributed copies of correspondence that he wished to be made part of the public record. See Attachment A.

Mr. D. R. Griffith, Stevensburg District, addressed his concerns regarding the Bowen tract, in particular that minimum standards were not met to prevent erosion and sedimentation from the project, and noted outstanding issues regarding stormwater management and adequate sight distance. He alleged that those individuals who signed off on the drawings had perjured themselves.

Mr. Jerry Beckett discussed the illegal immigration problem in the County and thanked the Board for being receptive to the issue.

Mr. Steve Jenkins, East Fairfax, stated he was a member of the Town Council, but was not speaking in that capacity. He thanked the Board and County staff for the amount of

time given to the proposed question regarding illegal aliens in the community and a possible referendum on the ballot. He proposed that the Board form a coalition of local governments to address the issue of illegal aliens and to work with the General Assembly and State Attorney General's Office to find a legal method of controlling, deterring, and eliminating illegal aliens from communities across the State. He cited the various towns, cities and counties in Virginia who had responded positively to his suggestion. He asked that those in the audience to stand to indicate their support for forming such a coalition.

Mr. Wayne Stilwell, Stevensburg District, spoke in opposition to illegal aliens in the community. He said he was in support of those immigrants who had obtained legal status and were paying taxes.

Mr. Thomas Seay, Stevensburg District and representing the Culpeper Horse Owners Association, spoke at length regarding the need for the Culpeper Heritage Horse Trail to be included in the Comprehensive Plan. He said that he was a full-time farmer in Culpeper, was privileged to host a television show on RFD-TV regarding horse riding in American, and had traveled on horseback through 83 towns and cities in the United States. He stressed that horses were big business and good for tourism, which was one of the cleanest industries that could be brought to a locality. He believe that the inclusion of the Culpeper Heritage Horse Trail in the Comprehensive Plan would protect the County's resources, provide a great measure of preservation to the history of the locality and help preserve its heritage.

With no further comments, Mr. Coates closed the Citizen Forum.

AGENDA ADDITIONS AND/OR DELETIONS

Mr. Nixon asked that the following item be added to the agenda: **AUTHORIZATION TO ADVERTISE FOR A PUBLIC HEARING AT THE AUGUST 7, 2007 BOARD OF SUPERVISORS' MEETING A BUDGET AMENDMENT IN EXCESS OF \$500,000, WHICH IS PROSCRIBED BY CODE.**

Mr. Nixon moved, seconded by Mr. Aylor, to amend the agenda to add the item to the agenda.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon moved, seconded by Mr. Walker, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER GRANTING A PERMANENT DRAINAGE EASEMENT TO VIRGINIA DEPARTMENT OF TRANSPORTATION ON COUNTY OWNED PROPERTY

Mr. Paul Howard informed the Board that VDOT had requested a permanent drainage easement on the 40-acre parcel donated to the County located at Catalpa at Routes 229 and 685. He explained there was a storm culvert that ran under Route 229 and emptied on to the County's property that needed to be relocated as part of improvements at that intersection.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the permanent drainage easement.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONFIRM THEIR PERMANENT ORDINANCE TO AMEND AND INCREASE FEE ASSESSMENT TO FUND COUNTY'S COURTHOUSE SECURITY PERSONNEL

Mr. Maddox stated that the General Assembly had amended a statute at its last session to allow the Courts to charge a fee of \$10 instead of \$5 for certain filings. He explained that since the Board passed an emergency ordinance at its June meeting effective July 1, it would be necessary to hold a public hearing prior to passing the permanent ordinance.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the ordinance amendment.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER APPROVING A RIGHT-OF-WAY EASEMENT FOR RAPPAHANNOCK ELECTRIC COOPERATIVE FOR THE WIDENING OF ROUTE 666

Mr. Howard informed the Board that there was an overhead power line paralleling Route 666 along the soccer fields by the Sports Complex, and it would need to be relocated and installed underground as part of widening and improving Route 666. He said that this work would require an easement for Rappahannock Electric Cooperative in order for them to make the improvements.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Aylor moved, seconded by Mr. Nixon, to approve the right-of-way easement.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

UNFINISHED PLANNING COMMISSION BUSINESS

ADDITION TO THE REMINGTON/KELLY'S FORD AGRICULTURAL AND FORESTAL DISTRICT. Request by Richard Calloway and Heningham E. Scott to add 618.17 acres to the Remington/Kelly's Ford Agricultural & Forestal District. The property is located on Route F717 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 34/71, 72 and 35/1A.

Mr. Egertson read the following letter he received on June 28, from John J. "Butch" Davies III, regarding the Calloway Agricultural and Forestal District application:

Dear John: Thank you for your recent telephone call. This letter is to make it clear that the Calloways are requesting the deferral to the Board of Supervisors' August meeting. As you are aware, there have been discussions between the Calloways and the applicant who has proposed to develop the Willow Run property. We are waiting for a response to the discussion points from our meeting and do not believe that those will be forthcoming prior to the Board's July meeting.

Mr. Egertson stated that staff had no objection to a 30-day postponement.

Mr. Coates opened the public hearing and called for public comments.

Mr. Wayne Stilwell, Stevensburg District, stated he did not have any objections to the inclusion of the property into the Agricultural and Forestal District, but he would have a problem if the buffers were increased beyond the setbacks currently on his property. He

asked what the proposed buffers would be if the adjoining property were to become a part of the District.

Mr. Coates stated that staff would respond to his request after the public hearing was closed.

Mr. George Bryson, Jefferson District, stated that he was in favor of farmland being placed in the Agricultural and Forestal Districts, and he would encourage other properties to participate.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Aylor to postpone the request for 30 days and to encourage the applicant to have further dialogue with Mr. Stilwell and the other adjacent landowners.

Mr. Coates asked Mr. Egertson to address Mr. Stilwell's question regarding the buffer and setbacks.

Mr. Egertson stated that there would be no impact on Mr. Stilwell's property should the applicants' property be placed in the Agricultural and Forestal District. He added that should Mr. Stilwell make a request to rezone his property, to obtain some type of use permit or to subdivide, he could be subject to buffering that would vary depending upon the type of application. He reiterated that as long as Mr. Stilwell continued to use his property as it was currently being used, no buffer would be imposed.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. U-634-07-2. Request by Calvary Baptist Church for approval of a use permit to allow a private church school. The property is located on Route 638 in the Catalpa Magisterial District and contains 6.0 acres. Tax Map/Parcel No. 30/28A.

Mr. Egertson informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this request to be consistent with Article 17 of the Zoning Ordinance with the following conditions:

1. A maximum of fifty (50) students may attend the school.
2. A pre-work inspection shall be scheduled with the Culpeper County Building Department to ensure that any Building Code issues are addressed.

Mr. Egertson said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced conditions.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the existing church property. He explained that the church had previously held a use permit for a private school of up to 50 students, and that use permit had lapsed. He said the Health Department had verified that the drainfield was still adequate for the school, and VDOT had raised no issues of concern. He added that Condition 2 was added as a result of staff's discussions with the Building Department to ensure that the areas of the church that were being used for a school were up to code. He said with the conditions listed, the request was ready for the Board's consideration.

Mr. Rick Simpson, Pastor of Calvary Baptist Church, stated that a pre-inspection had been completed, and some minimal changes would need to be made, such as relocating an exit sign and placing a door at the top of a stairwell, and those changes were in the process of being completed.

Mr. Coates opened the public hearing and called for public comment.

Mr. Wayne Stilwell, Stevensburg District, spoke in favor of the request. He said he was aware of the good work the church was doing with local youth.

With no further comments, Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the use permit with the two referenced conditions.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

TRIGON MILLS – 34 LOT PRELIMINARY SUBDIVISION PLAN. Request by Walter M. Cheatle for approval of a preliminary subdivision to create 33 lots on 106.39 acres with one 109.03-acre residual lot. The property is located on U.S. Route 29 in the Cedar Mountain Magisterial District. The property contains a total of 215.42 acres. Tax Map/Parcel No. 49/87H.

Mr. Egertson informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with the Zoning and Subdivision Ordinances. He said the Planning Commission was recommending to the Board of Supervisors that this subdivision be approved.

Mr. Egertson displayed a copy of the tax map that highlighted the location of the property and the surrounding zoning. He said that the parcel being proposed for subdivision was zoned R-2, which was a fairly dense single-family residential zone, but Mr. Cheatle was proposing to create a fairly low-density single-family residential development on the parcel. He pointed out that each of the lots were in excess of two acres and would be served by individual well and septic. He said the plan had been approved by the Health Department, the Soil and Water Conservation District, and VDOT. He indicated the access scheme and the layout of the subdivision showed a road along the southern portion of the subdivision that ultimately would be part of the later phases of Three Flags and come through to a point adjacent to the Agricultural Enterprises' property. He said that based on the Comprehensive Plan and staff's planning efforts to date, that road would hopefully be extended through the Agricultural Enterprises' property and create the four-way intersection at Stone Ridge and Granite Boulevard that would be signalized. He stated that Mr. Cheatle had laid out the property accordingly and done the survey on the Ag Enterprises' property, but the right-of-way for that leg of the road had not been obtained. He called the Board's attention to the documentation that Mr. Cheatle had provided to indicate his attempts to obtain right-of-way for that road. He stated that since right-of-way could not be obtained, the property would be served by the only access to the parcel that would be a single right-in and right-out off Route 29. He said that the improvements on Route 29 would include a 300-foot turn lane, with a 100-foot taper, to serve the serve 33-lots and a large residual parcel. He also said that Mr. Cheatle had provided for a future cul-de-saw so that the entrance could be closed at the time the road was extended and the subdivision would ultimately be served by a signalized crossover intersection. He stated that the plan had received the necessary approvals, it met all the criteria of the County's Subdivision Ordinance, and it was being recommended for the Board's approval.

Mr. Butch Davies, representing the applicant, stated that one of the key elements of the plan was the significant lower density in the development. He stated that the R-2 zoning would allow two units per acre, or 175 to 180 units with road adjustments, and the applicant was proposing only 33 units. He also stated that a significant amount of effort had gone into providing for future road construction, and although it was not possible at this time, it had been designed so that at a future point as further development unfolded that objective could be met in conformance with the County's Transportation Plan. He added that Mr. Cheatle

was present and would be glad to respond to any questions.

Mr. Coates questioned whether the intent was to connect to South Merrimac Road under the proposed plan. Mr. Davies replied that the plan did not propose that, but when the acreage behind the subdivision was developed, that extension would be considered as part of that plan. Mr. Coates stated that most likely South Merrimac Road would be closed at some future time and that crossover and the two roads would be relocated. Mr. Davies stated he hoped that would occur and that was the reason the applicant brought the road up to access through the Agricultural Enterprises' land.

Mr. Nixon noted that three different cul-de-sacs had been designed within the subdivision and asked whether fire and rescue access had been considered. Mr. Davies stated he was not aware that emergency access had been considered. Mr. Egertson added that there was a 1,000-foot limit on cul-de-sacs, basically for emergency situations, and all of the cul-de-sacs conformed to the County ordinance.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Aylor moved, seconded by Mr. Chase, to approve the subdivision as stated by staff and recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**AUTHORIZATION TO ADVERTISE FOR A PUBLIC HEARING AT THE AUGUST 7, 2007
BOARD OF SUPERVISORS' MEETING FOR A BUDGET AMENDMENT IN EXCESS OF
\$500,000, WHICH IS PROSCRIBED BY CODE.**

Mr. Bossio asked the Board to consider advertising for a public hearing at the Board's August 7 meeting for a budget amendment in excess of \$500,000, in accordance with the *Code of Virginia* when budgets were amended.

Mr. Chase moved, seconded by Mr. Nixon, to authorize the advertisement for a public hearing at the August 7 meeting.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 7:45 p.m.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: August 7, 2007